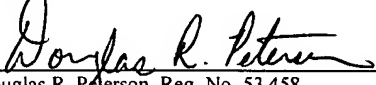




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Douglas R. Peterson, Reg. No. 53,458

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/729,552
Applicant : Mark E. Deem, Douglas S. Sutton, Hanson S. Gifford III, Bernard
H. Andreas, Ronald G. French
Filed : December 5, 2003
Art Unit : 3731
Examiner : Unassigned
Title : OBESITY TREATMENT TOOLS AND METHODS

Docket No.: : SATTY 69243 (2.04)
Customer No. : 24201

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The documents listed on the enclosed Form PTO/SB/08a have come to the attention of Applicants and are submitted to the Office under 37 C.F.R. § 1.97(c) (2). A copy of each of the listed foreign documents and articles is enclosed.

10/26/2006 SFELEKE1 00000078 10729552

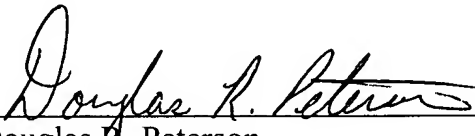
01 FC:1806

180.00 0P

The petition fee set forth in 37 C.F.R. § 1.17(p) of \$180 is enclosed. Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 06-2425. A duplicate copy of this letter is enclosed.

Respectfully submitted,

FULWIDER PATTON LLP

By: 
Douglas R. Peterson
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143992.1



Substitute for form 1449A/PTO				Complete if Known				
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/729,552			
(use as many sheets as necessary)				Filing Date	December 5, 2003			
Sheet	1	of	3	First Named Inventor	Mark E. Deem			
				Art Unit	3734			
				Examiner Name	Michael T. Andersen			
				Attorney Docket Number	SATTY-69243			
U.S. PATENT DOCUMENTS								
Examiner Initials*	Cite No ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		Number	Kind Code ² (if known)					
		3,372,443		02-16-1967	D. J. Daddona Jr.			
		4,063,561		12-20-1977	McKenna			
		4,258,705		03-31-1981	Sorensen et al.			
		4,311,146		01-19-1982	Wonder			
		4,636,205		01-13-1987	Steer			
		4,641,653		02-10-1987	Rockey			
		4,643,169		02-17-1987	Koss et al.			
		4,671,287		06-09-1987	Fiddian-Green			
		4,795,430		02-03-1989	Quinn et al.			
		5,171,233		12-15-1992	Amplatz et al.			
		5,248,302		09-28-1993	Patrick et al.			
		5,403,326		04-04-1995	Harrison et al.			
		5,411,508		05-02-1995	Bessler et al.			
		5,685,868		11-11-1997	Lundquist			
		5,904,147		05-18-1999	Conlan et al.			
		6,293,923 B1		09-25-2001	Yachia et al.			
		6,352,543 B1		03-05-2002	Cole			
		6,579,301 B1		06-17-2003	Bales et al.			
		6,605,037 B1		08-12-2003	Moll et al.			
		6,663,640 B2		12-16-2003	Kortenbach			
		6,733,512 B2		05-11-2004	McGhan			
		6,926,722 B2		08-09-2005	Geitz			
		7,097,650 B2		08-29-2006	Weller et al.			
FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind ⁵ (if known)				
		WO	1994/18893	A1	09-01-1994	Fitton et al.		
		WO	2004/014237	A1	02-19-2004	Gannoe et al.		
		JP	01049572	A	02-27-1989	Olympus Optical Co Ltd		
Examiner Signature						Date Considered		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO, Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/729,552
		Filing Date	December 5, 2003
		First Named Inventor	Mark E. Deem
		Group Art Unit	3734
		Examiner Name	Michael T. Andersen
Sheet 3 of 3	Attorney Docket Number	SATTY-69243	
OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Cummings, David E., M.D., et al., <i>Plasma Ghrelin Levels After Diet-Induced Weight Loss or Gastric Bypass Surgery</i> , <i>New England Journal of Medicine</i> , Vol. 346, No. 21, pp. 1623-1630, May 23, 2002	
		Davenport, Horace W., Ph.D., D.Sc., <i>Physiology of the Digestive Tract: An Introductory Text</i> , 3d Ed., Cover and Table of Contents	
		DeMeester, Tom T., M.D., <i>Evolving Concepts of Reflux: The Ups and Downs of the LES</i> , <i>Canadian Journal of Gastroenterology</i> , Vol. 16, No. 5, pp. 327-331, 2002	
		Gukovsky-Reicher, S., M.D. et al., <i>Expandable Metal Esophageal Stents: Efficacy and Safety. Review of Current Literature Data and of 53 Stents Placed at Harbor-UCLA Medical Center</i> , www.medscape.com/viewarticle/423508_print pages 1-20, Medscape General Medicine 4(1), 2003 ©2002 Medscape, downloaded October 9, 2006	
		Villar, Hugo V., M.D., et al., <i>Mechanisms of Satiety and Gastric Emptying After Gastric Partitioning and Bypass Surgery</i> , pp. 229-236, August 1981	
Examiner Signature	Date Considered		

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO, Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 514362000204

Application Number 10/729,552

Applicant

Mark E. DEEM et al.

Filing Date December 5, 2003

Group Art Unit Not Yet Assigned

Mailing Date January 8, 2004

MTA	57.	03/06/2001	6,197,022	Baker					
	58.	05/15/2001	6,231,561	Frazier et al.					
	59.	12/11/2001	6,328,689	Gonzalez et al.					
	60.	09/10/2002	6,447,533	Adams					
	61.	12/17/2002	6,494,888	Laufer et al.					
	62.	01/14/2003	6,506,196	Laufer					
		05/06/2003	6,558,400	Deem et al.					

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
MTA	63.	03/19/1986	EP 0 174 843	Europe			
	64.	10/28/1999	WO 99/53827	WIPO			
	65.	12/28/2000	WO 00/78227	WIPO			
	66.	12/28/2000	WO 00/78229	WIPO			
	67.	11/15/2001	WO 01/85034	WIPO			
	68.	03/28/2002	WO 02/24080	WIPO			
	69.	05/23/2002	WO 02/39880	WIPO			
	70.	12/05/2002	WO 02/096327	WIPO			
	71.	01/30/2003	WO 03/007796	WIPO			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	72.	Cummings, D.E. et al. (2002). "Plasma Ghrelin Levels After Diet-Induced Weight Loss or Gastric Bypass Surgery," <i>N. Engl. J. Med.</i> 346(21):1623-1630.
	73.	Davenport, H.W. (1971). <i>Physiology of the Digestive Tract</i> , Third Edition, Year Book Medical Publishers, Inc.: Chicago, IL, pp. 9-10 (Table of Contents Only.)
	74.	DeMeester, T.R. (2002). "Evolving Concepts of Reflux: The Ups and Downs of the LES," <i>Can. J. Gastroenterol</i> 16(5):327-331. DeMeester, T.R. (2002). "Evolving Concepts of Reflux: The Ups and Downs of the LES," <i>Can. J. Gastroenterol</i> 16(5):327-331.

EXAMINER:

M T Anderson

DATE CONSIDERED:

8/29/2006

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Form PTO-1449

Docket Number 514362000204

Application Number 10/729,552

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

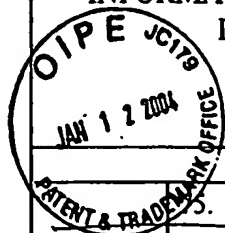
Applicant

Mark E. DEEM et al.

Filing Date December 5, 2003

Group Art Unit Not Yet Assigned

Mailing Date January 8, 2004



Villar, H.V. et al. (1981). "Mechanisms of Satiety and Gastric Emptying After Gastric Partitioning and Bypass," *Surgery* 90(2):229-236.

EXAMINER:

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